

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

LISA MARIE HICKEY,

Petitioner,

v.

JAMES TILTON, Secretary,

Respondent.

Civil No. 07cv0228 BEN (BLM)

**ORDER SUA SPONTE SUBSTITUTING
RESPONDENT**

At the time of filing, Petitioner was apparently housed at Corona Institution for Women and thus named Dawn Davison, Warden, as Respondent. Based on the notice of change of address Petitioner submitted to the Court on March 7, 2007, it appears Petitioner is no longer housed at Corona Institution for Women; rather, it appears she has been paroled and presently resides at 8215 Rainbow Heights Road, #405, in Fallbrook, California.

A writ of habeas corpus acts upon the custodian of the state prisoner. *See* 28 U.S.C. § 2242; Rule 2(a), 28 U.S.C. foll. § 2254. Because Petitioner has been paroled, so has her custodian. Accordingly, in order to conform with the requirements of Rule 2(a) of the Rules Governing § 2254 Cases and to avoid changing the Respondent again if Petitioner is transferred to another prison or paroled, the Court hereby sua sponte **ORDERS** the substitution of James Tilton, Secretary of the California Department of Corrections and Rehabilitation, as Respondent in place of “Dawn Davison.” *See Ortiz-Sandoval v. Gomez*, 81 F.3d 891, 894 (9th Cir. 1996)

1 (stating that the respondent in § 2254 proceedings may be the chief officer in charge of state
2 penal institutions).

3 The Clerk of the Court shall modify the docket to reflect "James Tilton, Secretary" as
4 respondent in place of "Dawn Davison."

5 **IT IS SO ORDERED.**

6 DATED: March 13, 2007

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8 BARBARA L. MAJOR
9 United States Magistrate Judge
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